The Honorable Bill Cassidy
U.S. House of Representatives
506 Cannon House Office Building
Washington, DC 20515

Dear Congressman Cassidy;

Thank you for your December 16, 2010 letter to US Environmental Protection Agency (EPA) Administrator Lisa P. Jackson which transmitted a letter from your constituent regarding issues associated with the use of dispersants on the Gulf oil spill. I am pleased to respond to you on Administrator Jackson's behalf and to share with you our correspondence to your constituent as you requested (attached).

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at 202-564-1859.

Sincerely;

Mathy Stanislaus
Assistant Administrator

Attachment

cc. Brigid Lowery - OSWER-CPA
Kecia Thornton - OSWER
Michelle Crews - OSWER
Carolyn Levine – OCIR
Dana Tulis – OSWER/OEM
Sam Coleman - Region 6

David Fa-Kouri
Consultant
Strategic Consulting Group, LLC
LA Economic Foundation, Inc.
P.O. Box 86255
Baton Rouge, LA 70879

Dear Mr. Fa-Kouri

The U. S. Environmental Protection Agency (EPA) received your December 10, 2010 letter transmitted by Congressman Bill Cassidy to Administrator Lisa P. Jackson. I am pleased to respond on Ms. Jackson's behalf.

You raised a significant number of concerns and questions associated with the oil discharged into the Gulf of Mexico from the BP Deepwater Horizon well and the toxicity of the chemical dispersants used on the surface and subsea to address the massive and continuous oil discharge. You also identified an alternative bioremediation spill treatment product (Oil Spill Eater – II [OSE-II]) that should be used for Gulf remediation.

Dispersants are one tool in the toolbox available to emergency responders. Use of any tool involves environmental tradeoffs, and responders carefully consider whether skimming, booming, *in situ* burning, chemical countermeasures (such as chemical dispersants or bioremediation agents), or some combination of all of these tools may be necessary and appropriate to protect sensitive shorelines, water resources, or wildlife. Due to the large scale of the BP oil spill, varying weather and sea conditions, and type of discharge, responders used all of these techniques to minimize the impact of the spill on humans and the environment.

Chemical dispersants, along with mixing energy, break up oil slicks into tiny particles that move into the water column so they may be more readily degraded by existing microorganisms in the water. The oil reportedly found in sediment layers you mentioned is not likely oil that was chemically dispersed because the tiny oil-dispersant mixture droplets are neutrally buoyant and neither sink nor rise. Nonetheless, the presence of oil in the sediment is a concern, and we agree more information is needed about the long term environmental consequences associated with oil discharges, the use of dispersants and oil in sediments. EPA is already working on the regulatory requirements associated with the authorization and use of dispersants and initiating research into the fate of the oil and dispersants in the environment. Note that of the hundreds of air, water and sediment samples collected and analyzed, none showed any increased level of concern for either dispersants or oil for aquatic life or human exposure. For more information about this data, see: http://www.epa.gov/bpspill/.

EPA believes dispersants should only be used sparingly and when absolutely necessary. Since the well was capped, only 200 gallons of dispersant have been applied to the Gulf, but

constant monitoring continues. Our toxicity tests show that Louisiana Sweet Crude Oil alone is more toxic to silverside fish than the dispersants alone. More information about our toxicity tests on the dispersants and oil may be found at http://www.epa.gov/bpspill/.

Of the total quantity of oil discharged from the well, some was collected with skimmers and booms, some was burned *in situ*, portions evaporated and dispersed into the atmosphere, some fractions dissolved into the water, some oil was either mechanically (due to the pressure of the discharge at the sea floor) or chemically dispersed (using dispersant) into the water column for consumption by naturally occurring micro-organisms, some coagulated into balls deposited on beaches and the rest likely remains in the environment. The team working to restore the Gulf will determine and employ the most appropriate methods toward recover. For more information, check www.restorethegulf.gov.

Under the National Contingency Plan (NCP), an On-Scene Coordinator (OSC) carries the responsibility for directing the response to an oil spill. A Regional Response Team (RRT) is to provide the appropriate regional mechanism for development and coordination of assistance and advice to the OSC during response actions. The RRT consists of representatives of federal and state government; EPA and the Coast Guard co-chair the RRTs. The RRT is a planning, policy and coordinating body and does not respond directly to the scene. They also provide guidance to Area Committees to ensure inter-area consistency with the NCP and Regional Contingency Plans (RCP). In coordination with Area Committees and in accordance with any applicable laws, regulations, or requirements, RRTs conduct advance planning for the use of dispersants, surface washing and collecting agents, burning agents, bioremediation agents, or other chemical agents in accordance with the regulations under Subpart J of the NCP.

Each RRT uses the Product Schedule in the NCP to determine which technologies and/or specific products they will pre-approve and authorize for use on a specific type of spill. All members of the RRT have equal say on the technologies acceptable for pre-approval given the specific oils in their areas and the habitats, species and environments representatives are concerned about. EPA does not dictate what technologies and products an RRT must consider or use.

With respect to bioremediation agents like OSE-II, EPA in conjunction with the US Coast Guard, collaborated with scientists from the National Oceanic and Atmospheric Administration (NOAA) and the Deepwater Horizon Science and Engineering Review Team (H-SERT) which consists of scientists from Louisiana State University, University of Louisiana at Lafayette, University of New Orleans, Tulane University, and Southern University on the use of innovative technologies to remediate the Gulf of Mexico region. This team reached consensus that bioremediation would provide limited value for oil discharges in general. There may be specific situations where bioremediation might be considered after a thorough evaluation of the site-specific conditions (including oil composition and concentrations and an assessment of nutrient and oxygen limitations) and limited testing to ensure the benefits outweigh any risks before a decision to implements such as course of action is made. A letter detailing this finding is contained in a letter to Governor Bobby Jindal which can be found at: http://www.epa.gov/bpspill/bioremediation-letter-20100712.pdf.

Finally, thank you again for your letter. If you have further questions, please contact Craig Matthiessen, Director of the Regulations and Policy Development Division in the Office of Emergency Management at 202-564-8016.

Sincerely;

Mathy Stanislaus
Assistant Administrator